

ORIGINAL

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
STATE OF OKLAHOMA

IN THE MATTER OF WATER)
POLLUTION CONTROL FACILITIES:)

Oklahoma Tourism and)
Recreation Department,)
Respondent,)

Water Quality Division,)
Petitioner.)

Lake Texoma Resort State Park)
Facility Nos. S-10849, T-10824, T-10825)
T-10827, T-10828, T-10936)
NPDES No. N/A)

Sequoyah State Park)
Facility Nos. S-21641, S-21642, T-21693,)
T-21694, T-21695, T-21696, T-21697)
NPDES No. N/A)

Tenkiller Lake State Park)
Facility No. S-21721)

hout a Permit
Violations

OKLAHOMA
DEPT. OF ENVIRONMENTAL QUALITY

JUN 24 2002

FILED BY: Sm
HEARING CLERK

Case No. 02-234

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
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<p>Sent To: <u>Jane Jayroe - Tourism & Recreation</u></p> <p>Street, Apt. No., or PO Box No. <u>15 N. Robinson, Suite 100</u></p> <p>City, State, ZIP+4 <u>OKC 73102</u></p> <p>PS Form 3800, January 2001 See Reverse for Instructions</p>	

<p>3. Article Addressed to:</p> <p><u>Jane Jayroe</u> <u>Oklahoma Tourism and Recreation Department</u> <u>15 N. Robinson, Suite 100</u> <u>OKlahoma City, OK 73102</u> <u>02-234/DM/legal</u></p>		<p>4a. Article Number</p> <p><u>7001 0360 0001 3230 7692</u></p>
<p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified</p> <p><input type="checkbox"/> Express Mail <input type="checkbox"/> Insured</p> <p><input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD</p>		<p>7. Date of Delivery</p> <p><u>6-25</u></p>
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STATE OF OKLAHOMA**

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DEPT. OF ENVIRONMENTAL QUALITY

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NPDES No. N/A)

Tenkiller Lake State Park)
Facility No. S-21721)
NPDES No. N/A)

Problems: Discharge without a Permit)
Construction Violations)

Case No. 02-234

ADMINISTRATIVE COMPLIANCE ORDER

The following Administrative Compliance Order is issued pursuant to the provisions of Title 27A O.S. §2-6-201 *et seq.*, §2-3-502, and Oklahoma Administrative Code (OAC) 252:004.

FINDINGS OF FACT

1. The Oklahoma Tourism and Recreation Department (OTRD) (Respondent), an Oklahoma State Agency, owns and operates a publicly owned wastewater treatment works

(POTW), which serves the employees and visitors of the Lake Texoma Resort State Park, Marshall County, Oklahoma. The Respondent owns and operates a POTW that serves the employees and visitors of the Sequoyah State Park, Cherokee County, Oklahoma. The Respondent owns and operates a POTW that serves the employees and visitors of the Pine Cove Marina area of Tenkiller Lake State Park, Sequoyah County, Oklahoma. The Respondent has not applied for and has not been issued an OPDES Permit to authorize discharge to waters of the state.

2. The Respondent has not been funded to complete the remaining tasks in the existing Memoranda of Agreement related to Lake Texoma Resort State Park, Sequoyah State Park and Tenkiller Lake State Park.

A. LAKE TEXOMA RESORT STATE PARK

3. On June 6, 1991, Respondent was issued Permit ST-91-016 to build and operate a wastewater land application, spray irrigation, system to enable the main wastewater treatment lagoons at Lake Texoma Resort State Park to remain total retention.

4. 27A O.S. §2-6-205(A) states that "it shall be unlawful for any facility, activity or entity regulated by the Department pursuant to the Oklahoma Pollutant Discharge Elimination System Act to discharge any pollutant into waters of the state or elsewhere without first obtaining a permit from the Executive Director." On December 18, 2000, Blake Rudd, a representative of the Department of Environmental Quality (DEQ), inspected the wastewater treatment system serving the Lake Texoma Resort State Park Lodge. He observed that the final lagoon cell of the main lagoon complex was overflowing. He also observed that wastewater appeared to be seeping through the lagoon dikes. On January 5, 2001, Mr. Rudd reinspected the facility and observed that the final lagoon cell was still overflowing and wastewater was still seeping through the lagoon dikes. These incidents and conditions constitute unpermitted discharges.

5. OAC 252:656-11-4(b) and OAC 252:621-5-1(8) require an all-weather access road to serve wastewater treatment lagoons. On December 18, 2000, Mr. Rudd observed that the road to the lagoons needed gravel and grading. On January 5, 2001, Mr. Rudd reinspected the facility and observed that the road still did not meet the standards for all-weather access.

6. OAC 252:621-5-1(7) requires that trees, weeds, cattails, and all other obstructions must be removed whenever they appear on or around the dikes or in the lagoon itself in order that wind action be maintained for good treatment of sewage and for access to the facility. On December 18, 2000, Mr. Rudd observed that the dikes and area surrounding the lagoons was overgrown with vegetation. On January 5, 2001, Mr. Rudd reinspected the facility and observed that the dikes and area surrounding the lagoons were still overgrown with vegetation.

7. On February 27, 2001, DEQ sent a letter regarding the violations cited in Paragraphs Four (4) through Six (6) to the Respondent. A meeting between representatives of DEQ and the Respondent to discuss these violations was held at DEQ on February 28, 2001.

8. On August 5, 2001, the DEQ and the Respondent entered into Memorandum of Agreement (MOA), Case No. 01-169 to address the findings described above. A copy of the MOA is attached hereto and incorporated by reference. For the purposes of this Order, this MOA constitutes a Notice of Violation as required by 27A O.S. §2-3-502. MOA 01-169 required the following tasks to be completed according to the following schedule:

TASK	DATE
A. Remove excessive vegetation from the dikes of the existing wastewater treatment lagoons that serve the Lake Texoma Resort State Park.	July 1, 2001
B. Submit to DEQ an approvable Engineering Report as required by OAC 252:656-3-4.	December 1, 2001
C. Submit to DEQ approvable Plans and Specification (P&S) and an application for a construction permit, as required by OAC 252:656-3-5 and OAC 252:656-3-2.	March 1, 2002
D. Develop and submit an interim operation and maintenance plan which will be implemented as needed until the remedial construction work is completed.	March 1, 2002
E. Begin construction to upgrade the Lake Texoma Resort State Park wastewater treatment system in accordance with the approved construction permit.	October 1, 2002
F. Complete construction to upgrade the Lake Texoma Resort State Park wastewater treatment system in accordance with the approved construction permit. Submit to DEQ as-built P&S if the actual construction differs from that proposed in the P&S approved as part of Task C.	October 1, 2003

9. Respondent completed Task A in Paragraph Eight (8) on October 8, 2001, and Task D on May 7, 2002. Respondent submitted a draft of the Engineering Report required by Task B on January 29, 2002. On January 31, 2002, DEQ requested revisions to the Engineering Report. Respondent has not submitted a revised Engineering Report as of the date of this Order. As of the date of this Order, all other tasks listed in Paragraph Eight (8) remain uncompleted.

10. On October 10, 2001, Mike Madden of the DEQ, accompanied by Greg Snider, Manager of Lake Texoma Resort State Park, observed seepage from the base of the main lagoon dikes, which is an unpermitted discharge and in violation of 27A O.S. §2-6-205(A). The freeboard in the lagoons was less than 3 ft, as required by OAC 252:656-11-3(b)(4).

11. On May 6, 2002, Mike Madden and Robert Jemison, representatives of DEQ, accompanied by Kevin Eppler, Assistant Manager of Lake Texoma Resort State Park, observed that the final lagoon cell of the main lagoon complex was overflowing and that wastewater was seeping through the lagoon dikes at three locations. The newly updated wastewater land application system, as described in the Interim Plan submitted for Task D in Paragraph Eight (8) was not operating to prevent the lagoon from overflowing. Also on May 6, 2002, Mr. Madden and Mr. Jemison learned from Mr. Eppler that the lift station at the Catfish Bay Campground becomes inundated with water from Lake Texoma during conditions when the level of the lake is at flood stage. These incidents and conditions constitute unpermitted discharges and are in violation of 27A O.S. §2-6-205(A).

12. OAC 252:656-7-1(b)(1) requires pump stations to have at least two pumps. OAC 252:656-7-4(b) requires pumping stations to have an automatic alarm system capable of alerting responsible maintenance personnel of an equipment failure before an overflow occurs, even during a power failure. If telemetry is not provided to an office manned 24 hours per day, then an equivalent alerting capability must be shown. On May 6, 2002, Mike Madden and Robert Jemison, representatives of DEQ, accompanied by Kevin Eppler, Respondent's representative, observed that none of the pump stations, which are components of the Lake Texoma Resort State Park POTW, comply with the two-pump and/or alarm requirements.

13. OAC 252:710-3-33 requires total retention POTW systems serving populations less than 1,500 to employ a Class D wastewater works operator. OAC 252:710-3-34 requires that

owners of POTWs shall place the direct supervision of their wastewater treatment systems under the responsible charge of a properly certified wastewater works operator. During the May 6, 2002, inspection, the DEQ representatives learned that the Respondent does not employ, or have under contract, a properly certified wastewater works operator in responsible charge of the POTW that serves the Lake Texoma Resort State Park. Respondent was provided with a copy of the report of the May 6, 2002, inspection.

14. Failure by the Respondent to comply with the rules cited above may result in harm to the environment or to the health and well being of the affected public.

B. SEQUOYAH STATE PARK

15. The lagoons in the Sequoyah State Park POTW, operated by Respondent, are designed to be operated as a total retention lagoon system.

16. Carl D. Parrott, P.E., a DEQ representative, inspected and evaluated the Sequoyah State Park lagoon system on April 20, 1993. The inspection revealed that many of the lagoons serving the camping facilities were not protected from being inundated by lake waters during flood conditions. Further, seepage of water through the lagoon dikes was observed during the inspection. Such discharges are unpermitted and constitute a violations of 27A O.S. §2-6-205(A).

17. On May 25, 1993, DEQ sent a warning letter to the Respondent regarding the violations cited in Paragraph Sixteen (16).

18. On September 13, 1996, the Parties signed a Memorandum of Agreement, Case No. 96-030, to correct the violations cited in Paragraph Sixteen (16). DEQ had been provided with a proposed schedule for the MOA during a telephone conversation between Ed Morris, P.E., Chief Engineer, OTRD, and J.J. Johnson, P.E., DEQ. This schedule was incorporated in the MOA. On October 19, 1998, Paragraph Nine (9) of MOA, Case No. 96-030 was amended to extend the schedule agreed to by the Parties in the original MOA. For the purposes of this Order, this MOA constitutes a Notice of Violation as required by 27A O.S. §2-3-502.

19. OAC 252:656-9-1(b) requires structures of a treatment works, including electrical and mechanical equipment, must be protected from physical damage by a 100-year flood, and the treatment works should remain fully operational and accessible during a 25-year flood. An inspection by Phillis Stevens, District Representative, Water Quality Division, DEQ, and Tom

Dennis, R. S., Okmulgee DEQ, on November 30, 1999, indicates that some of the lagoon systems are built in flood plain so that lake water levels are sometimes higher than the tops of the dikes. During flooding, several of the lagoon systems are below high water elevations. The visual inspection revealed evidence of flooding, dikes overflowing, and washout. During flood conditions, water from Fort Gibson Reservoir inundates the lagoons, thereby causing wastewater to flow into the reservoir. These conditions and incidents constitute unpermitted discharges and constitute a violation of 27A O.S. §2-6-205(A).

20. OAC 252:656-11-2(c) requires that a minimum of two cells be provided for total retention lagoon systems. Several of the satellite lagoon systems were observed to be single-cell systems during the November 30, 1999, inspection.

21. During the November 30, 1999, inspection, DEQ representatives observed that the main lagoon system, which serves the lodge, seeps from two (2) of the three (3) lagoon cells. This seepage constitutes an unpermitted discharge and is a violation of 27A O.S. §2-6-205(A).

22. OAC 252:621-5-1(5) states “[a]ll lagoons and systems must be designed for a specific treatment purpose ... and shall be maintained and operated to provide optimum treatment results.” In addition, OAC 252:605-1-5(b)(3)(W) incorporates by reference 40 CFR 122.41(e) which states that “The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with this permit.” OAC 252:621-5-1(7) requires that trees, weeds, cattails, and all other obstructions must be removed whenever they appear on or around the dikes or in the lagoon itself in order that wind action be maintained for good treatment of sewage and for access to the facility. During the inspection on November 30, 1999, weeds, trees, and brush were observed growing in some of the wastewater lagoon dikes. There were also animal burrows in some of the dikes. Most of the lagoon cells, which were inspected on November 30, 1999, had a heavy accumulation of sludge, which was in need of removal. Pursuant to the requirements of OAC 252:648-3-5, a sludge management plan must be filed with the DEQ and must be approved prior to removing the sludge from the lagoon cells.

23. Evidence of discharges in the form of seepage from the cells and from dike overflows was observed during the November 30, 1999, inspection. These conditions and incidents constitute unpermitted discharges and constitute a violation of 27A O.S. §2-6-205(A).

24. On February 3, 2000 the DEQ and the Respondent entered into a Memorandum of Agreement, Case No. 99-423, to address the findings described in Paragraphs Sixteen (16) through Twenty-three (23). On July 25, 2001, the MOA was amended. A copy of the MOA and Amendment are attached hereto and incorporated by reference. For the purposes of this Order, this MOA constitutes a Notice of Violation as required by 27A O.S. §2-3-502. The MOA, Case No. 99-423, and Addendum, Case No. 99-423(A), required the following tasks to be completed according to the schedule indicated:

Task	Date
A. For non-sealed lift stations or lagoon cells, which are inundated and are a threat to discharge effluent into the lake, the facilities served will be closed until such time as the water recedes.	As Necessary
B. Retain a professional engineer licensed in the State of Oklahoma who is competent in wastewater design and project oversight, provided an appropriation for this is received in the 2000 legislative session.	December 1, 2000
C. Prepare and submit an approvable engineering report documenting the corrective action for the alleged violations cited in Paragraph Two (2) of the MOA.	March 1, 2002
D. Submit approvable plans and specifications for construction.	March 1, 2002
E. Obtain funding for the project.	July 1, 2002
F. Bid project and select contractor.	October 1, 2002
G. Start construction of necessary improvements.	November 1, 2002
H. Complete construction of improvements.	November 1, 2003

25. Tasks B and C in Paragraph Twenty-four (24) have been completed. As of the date of this Order, all other tasks listed in Paragraph Twenty-four (24) have not been completed.

26. The Engineering Report of Task C of Paragraph Twenty-four (24) documented that the POTW is capable of treating about 10% of the wastewater load. Park operations must be limited to restrict the generation of wastewater to the capability of the wastewater treatment system.

27. On February 28, 2001, a meeting between representatives of DEQ and the Respondent was held at DEQ. One of the topics of the meeting was the status of the Sequoyah State Park POTW.

28. Don Neal, representative of DEQ, inspected the Sequoyah State Park POTW on March 13, 2001, November 26, 2001, and May 14, 2002. These inspections showed that the violations cited in Paragraphs Sixteen (16) through Twenty-three (23) have not been corrected.

29. Failure of the Respondent to comply with the rules stated in Paragraphs Sixteen (16) through Twenty-three (23) results in harm to the environment or health and well being of the affected public. Among other problems, unpermitted discharge could contain pathogenic bacteria, which may cause the public, who swim or fish in the lake, to be exposed to an unsafe level of bacteria.

C. TENKILLER LAKE STATE PARK

30. The Tenkiller Lake State Park POTW, operated by the Respondent, is designed to be operated as a total retention lagoon system.

31. OAC 252:656-9-1(b) requires structures of a treatment works, including electrical and mechanical equipment, must be protected from physical damage by a 100-year flood, and the treatment works should remain fully operational and accessible during a 25-year flood. During an inspection by Robert Bates, R.S., on May 6, 1999, the holding tank located in the parking lot adjacent to the lake and containing raw sewage was under water due to high lake levels. The marina was prevented from pumping to the tank by the high water covering the parking lot. This, in turn, caused operational problems for the marina and posed a serious environmental threat from fecal contamination to the lake. During the inspection on July 22, 1999, it was noted that the holding tank does not have sealing lids to prevent cross contamination of wastewater and water from the lake and parking lot. During such conditions, sewage can be discharged to the waters of the State without a permit. These conditions and incidents constitute unpermitted discharges and are violations of 27A O.S. §2-6-205(A).

32. The lift station at Fisherman's Point is not fenced, as required by OAC 252:656-11-4(a), and, therefore, is not secure. Evidence at the site indicated the lock on the electric box was broken, the box was damaged and that sewage had been flowing downhill to the lake for some

time. An inspection of the Pine Cove Marina area of the park by Phillis Stevens and Robert Bates, DEQ representatives, on July 22, 1999, indicates that lake water levels sometimes are higher than the lift stations at Fisherman's Point and Hickory Flats, the septic tanks, and the floors of the bathhouses. These incidents and conditions have resulted in unpermitted discharges and are violations of 27A O.S. §2-6-205(A).

33. Unpermitted land application of POTW effluent was documented by Phillis Stevens, Water Quality Division, DEQ, and Robert Bates, R.S., Roland DEQ Office on July 22, 1999, while inspecting the wastewater lagoon system. Effluent from the lagoons was being used to irrigate areas of the park to which the public has access. These areas include camping and picnic areas. Prior to land application of wastewater, a permit pursuant to OAC 252:621 and OAC 252:656, must be obtained. Respondent did not submit an application for and DEQ did not issue a permit to the Respondent for land application of wastewater. Non-industrial wastewater to be applied on multipurpose areas, such as golf courses, must be disinfected prior to application. Land application of non-industrial wastewater to areas where there may be skin contact cannot be permitted under any circumstances. These incidents and conditions constitute unpermitted discharges and are violations of 27A O.S. §2-6-205(A).

34. On August 20, 1999, DEQ sent a warning letter to the Respondent regarding the violations observed on July 22, 1999.

35. Failure of Oklahoma Tourism and Recreation Department to comply with the rules stated in Paragraphs Thirty-one (31) through Thirty-three (33) results in harm to the environment or health and well being of the affected public. By allowing sewage from the holding tank and lift station and land application from the wastewater lagoon to discharge to the groundwater and surface water, Respondent could not verify that Oklahoma's Water Quality Standards are being met. Failure to meet these standards will cause a dissolved oxygen depletion, which will have detrimental effects to fish and other aquatic organisms. Furthermore, such a discharge would contain pathogenic bacteria, which would cause the public, who swim or fish in the stream, to be exposed to an unsafe level of bacteria.

36. On February 4, 2000, the DEQ and the Respondent entered into a Memorandum of Agreement, Case No. 99-420 to address the findings described above. On July 25, 2001 the MOA was amended. The MOA and Amendment are attached hereto and incorporated by

reference. For the purposes of this Order, this MOA constitutes a Notice of Violation as required by 27A O.S. §2-3-502. MOA, Case No. 99-420 and Addendum, Case No. 99-420(A), required the following tasks to be completed according to the schedule indicated:

Task	Date
A. During periods of high water elevation, which result in flooding of the septic tank at the marina, a watertight hose or other watertight connection will be used to pump sewer accumulation to a disposal truck or other non-inundated collection point. In the event that the redirection is not possible, the facilities served by this septic tank will be closed until such time as the water recedes.	As Necessary
B. For non-sealed lifted stations, which are totally inundated and are a threat to discharge effluent into the lake, the facilities served by the lift station will be closed until such time as the water recedes.	As Necessary
C. Retain a professional engineer licensed in the State of Oklahoma who is competent in wastewater design and project oversight.	December 1, 2000
D. Prepare and submit an approvable engineering report documenting the corrective action for the violations cited in Paragraphs Two through 4 of the MOA.	March 1, 2002
E. Submit approvable plans and specifications for construction.	March 1, 2002
F. Obtain funding for the project.	July 1, 2002
G. Bid project and select contractor.	October 1, 2002
H. Start construction.	November 1, 2002
I. Complete construction.	November 1, 2003

37. Tasks C and D of Paragraph Thirty-six (36) have been completed. As of the date of this Order, all other tasks listed in Paragraph Thirty-six (36) remain uncompleted.

38. The Engineering Report of Task D in Paragraph Thirty-six (36) documented that the wastewater treatment system is capable of treating approximately 25% of the wastewater load. Park operations must be limited to restrict the generation of wastewater to the capability of the wastewater treatment system.

39. On February 28, 2001, a meeting between representatives of DEQ and the Respondent was held at DEQ. One of the topics of the meeting was the status of the Tenkiller Lake State Park POTW.

40. Failure by the Respondent to comply with the rules cited above will result in harm to the environment or to the health and well being of the affected public.

CONCLUSIONS OF LAW

41. The DEQ has jurisdiction concerning this matter pursuant to 27A O.S. §1-3-101.

42. The facts stated above constitute violations of 27A O.S. §§2-6-105(A) and (B) and 2-6-201 *et seq.*, for which this Order may be issued.

43. 27A O.S. §2-6-105(A) states "It shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance." 27A O.S. §2-6-105(B) states "If the Executive Director finds that any of the air, land or waters of the state have been, or are being, polluted, the Executive Director shall make an order requiring such pollution to cease within a reasonable time, or requiring such manner of treatment or of disposition of the sewage or other polluting material as may in his judgment be necessary to prevent further pollution. It shall be the duty of the person to whom such order is directed to fully comply with the order of the Executive Director."

44. This Order is issued pursuant to 27A O.S. §2-6-105 and §2-6-206.

ORDER

45. This Order closes and supercedes Memorandum of Agreement, Case No. 01-169; MOA, Case No. 99-423, and Addendum thereto; and MOA, Case No. 99-420, and Addendum thereto.

46. The Respondent shall cease all unpermitted discharges from the POTWs that serve Lake Texoma Resort State Park, Sequoyah State Park, and Tenkiller Lake State Park.

47. The Respondent shall employ or retain under contract properly certified wastewater works operators to be in responsible charge of the POTWs that serve Lake Texoma Resort State Park, Sequoyah State Park, and Tenkiller Lake State Park.

LAKE TEXOMA RESORT STATE PARK

48. The Respondent shall limit wastewater flows generated by all public use operations within the Lake Texoma State Resort Park to the capacity of the wastewater treatment facilities that serve those operations. Any portions of the wastewater treatment systems that are subject to inundation will be presumed to have no capacity for the purpose of this Order.

49. The Respondent shall operate the wastewater land application system properly to prevent the wastewater treatment lagoons from overflowing.

50. The Respondent shall complete the following tasks at the Lake Texoma State Resort Park according to the schedule specified.

TASK	DATE
A. Employ or retain under contract a Class D wastewater works operator to serve in responsible charge of the POTW.	July 1, 2002
B. In consultation with DEQ, prepare a checklist to be completed and signed weekly by the Lake Texoma Resort State Park manager that covers the operational status of and maintenance performed on all units of the POTW including lift stations, main and satellite lagoons, and wastewater land application system. Once the checklist is approved by DEQ, it shall be implemented. Copies of the checklists shall be retained for inspection for a period of at least three (3) years.	July 1, 2002

TASK	DATE
C. Modify the lift station that serves the Catfish Bay area so that wastewater and lake water cannot mix and lake water is precluded from entering the POTW during periods of inundation. If such modifications cannot be made, the lift station must be removed from service and areas of the Lake Texoma Resort State Park served by this lift station must be closed to public occupancy (see footnote 1) or other measures must be implemented immediately to properly manage the wastewater.	October 1, 2002
D. Rally Area. Reduce the wastewater load to the capacity of the POTW from the following operation(s): semi-modern and modern RV camp-sites, comfort station #7, dump station, and temporary rally RV sites. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.	July 9, 2002
E. Ben's Camp. Reduce the wastewater load to the capacity of the POTW from the following operation(s): semi-modern and modern RV campsites, dump station, and comfort station #8 between the modern and semi-modern campgrounds. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.	October 1, 2002
Submit documentation that the dikes of the lagoons that serve Ben's Camp area are above 640 ft above mean sea level (MSL). If they are at an elevation of less than 640 ft above MSL, the top of the lagoon dike must be raised to at least 641 ft above MSL. If the lagoon dikes are not at 640 ft MSL or higher, all public use areas served by these lagoons must be closed.	
The comfort station #9, which serves the swimming beach, may remain open contingent upon the lagoon dikes being higher than 640 ft MSL.	

1 The Catfish Bay lift station shall be made watertight to prevent any discharge during inundation and the installation of watertight caps over each of the RV sewer hookup pipes shall be done to preclude lake water from entering the lift station. Such caps are to be kept in place except when an RV site is being used. In addition, the lift station power will be disconnected prior to inundation to prevent lake water from being pumped to the main lagoon. In the event that the existing lift station cannot be made watertight, a new lift station that meets all the requirements of OAC 252:656, which can be sealed watertight, will be installed. In addition, each RV sewer hook-up pipe will be capped as previously required.

TASK	DATE
F. Area West of Rally Area. Reduce the wastewater load to the capacity of the POTW from the following operation(s): dump station and temporary RV rally sites. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater. The comfort station #6 may remain open providing its design capacity is not exceeded.	July 9, 2002
G. Rooster Creek Campground. Reduce the wastewater load to the capacity of the POTW from the following operation(s): semi-modern campsites and comfort station #5. If the wastewater load cannot be reduced to the capacity of the POTW, the designated area must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.	July 9, 2002
H. Chickasaw Point Golf Club House and Maintenance Barn. Install proper fencing with gate and signage around the Chickasaw Point Lagoon. If fencing is not installed, the restrooms and snack bar must be closed.	October 1, 2002
I. Submit to DEQ for approval a Standard Operating Procedure (SOP) that includes operations for the following: the wastewater land application system; closing, disinfecting, and reopening facilities and areas impacted by inundation; and regularly determining the operational status of all pumping stations until they can be brought into compliance with standards in OAC 252:656. The SOP shall incorporate the checklist developed as part of Task B. The SOP may incorporate appropriate portions of the Interim Operations and Maintenance Plan as described in Note 2 of Paragraph Fifty-two (52) of this Order.	October 1, 2002
J. Submit to DEQ an approvable Engineering Report, as specified in OAC 252:656-3-4, that describes actions necessary to eliminate the wastewater treatment system non-compliance with state requirements.	January 1, 2003
K. Submit to DEQ approvable Plans and Specifications and an application for a Construction Permit, as specified in OAC 252:656-3-2 and 252:656-3-5.	March 1, 2003

TASK	DATE
L. Begin construction to upgrade the wastewater treatment system in accordance with approved Plans and Specifications.	December 1, 2003
M. Complete construction to upgrade the lift stations and lagoons in accordance with approved Plans and Specifications.	April 1, 2005
N. Lift stations, which are not in compliance for reasons other than being subject to inundation, overflow or discharge, may remain in operation if the upgrade construction schedule is met.	April 1, 2005

51. The Respondent shall initiate provisions for the periodic monitoring of the Standard Operating Procedures required by Task I of this Order so that compliance with this Order is maintained. In the event that the operating procedures are not implemented as specified, such failure to implement the procedures will be considered a violation of this Order and will subject the Respondent to immediate closure of the State Park property.

52. The following may remain open provided restrictions are met (see footnote 2): the main park area north of Rooster Creek Bridge and south of U.S. 70 including the lodge, cabins, cottages, multi-purpose building, laundries, dump stations, marina boat pump-out station and golf course pro shop, restaurant and maintenance building, park office, Lake Texoma Assoc., and

- 2 In March 2002, the Department of Environmental Quality received an Interim Operations and Maintenance Plan from the Lake Texoma Resort State Park, which addresses some of the violations noted in the Memorandum of Agreement, Case No. 01-169. Specifically, the facility has stated that improvements and repairs have been made to the lagoon system access road and that maintenance of this road will be improved with the use of a new tractor; that trees, weeds, cattails, and other obstructions have been removed on and around the dikes and in the lagoon; that the golf course has purchased a new automatic irrigation control system, a new radio controller has been installed on the lagoon pump station, and a new chemical feed pump has been installed to inject chlorine into the irrigation system; that the golf course personnel are coordinating their irrigation schedule such that excess flows to the lagoon are being ground applied on the golf course in accordance with permit #ST-91-016; and that the land application system is capable of applying and the golf course is capable of receiving 9.63 acre feet of excess flows per year from the lagoons which should prevent overflow from the lagoon.

Based on the aforementioned efforts made by the Oklahoma Tourism and Recreation Department at Lake Texoma State Park, as stated in the Interim Operations and Maintenance Plan, those facilities discharging effluent into the main lagoon systems may continue to do so. This interim plan is contingent upon an extreme and aggressive effort on the part of the Oklahoma Tourism and Recreation Department and Lake Texoma State Park staff to effectively manage and properly utilize and maintain the permitted ground application system. (Permit # ST-91-016). The success of the Oklahoma Tourism and Recreation Department's on-site staff to utilize this system to preclude lagoon overflows and unauthorized discharges will be closely monitored by the Department of Environmental Quality. A checklist will be developed which will be used by facility staff to monitor the operation of the lift stations, main lagoon, satellite lagoons and ground application system. This checklist will be completed on a weekly basis and copies will be forwarded to DEQ on a weekly basis.

cabanas; lake patrol office; Rooster Creek Park and maintenance managers' residences, and residence sewage system.

53. If the construction required in Task L of Paragraph Fifty (50) has not begun by the date specified, lift stations that do not comply with the construction standards in OAC 252:656 must be removed from service. Those areas of the park served by non-compliant lift stations must be closed to public use.

SEQUOYAH STATE PARK

54. The Respondent shall limit wastewater flows generated by all public use operations within the Sequoyah State Park to the capacity of the wastewater treatment facilities that serve those operations. Any portions of the wastewater treatment systems that are subject to inundation will be presumed to have no capacity for the purpose of this Order.

55. The Respondent shall complete the following tasks at the Sequoyah State Park according to the following schedule:

TASK	DATE
O. Reduce the wastewater load to the capacity of the POTW from the following designated Sequoyah State Park operations. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.	July 1, 2002
1. Creek Area: tent camping and comfort station.	
2. Chickasaw Area: tent camping, dump station and comfort station.	
3. Choctaw Area: RV campsites, tent-campsite dump station, and comfort stations.	

TASK	DATE
4. Seminole Area: RV campsites, comfort stations, and dump station.	
5. Paradise Cove: tent camping and comfort station serving tent camping; marina boat pump-out station and cease sewage discharge from the marina café; the comfort station serving the marina. The marina trailer house residence and lagoon may remain open provided documentation is submitted demonstrating the lagoon dikes are at a sufficient elevation to prevent inundation from the lake.	
6. Cherokee Area: Comfort station, and dump station.	
7. Group Camp Area: Group Camp cabins, bathhouse, community building, and infirmary.	
8. Lodge, Golf Course, and Stable Area: the lodge, swimming pool, family reunion center, cottages and cabanas, bunkhouse, laundry, golf club house and golf course, and coin operated laundry. The five residences may remain open provided documentation is submitted demonstrating the lagoon dikes are at a sufficient elevation to prevent inundation from the lake. If only three of the residences are occupied, the Nature Center and the maintenance area restrooms may be open for public use.	
P. Submit to DEQ for approval a standard Operating Procedure that includes operations for the following: closing, disinfecting, and reopening facilities and areas impacted by inundation; and regularly determining the operational status of all pumping stations until they are brought into compliance with the standards in OAC 252:656.	October 1, 2002
Q. Submit to DEQ for approval a long-term plan to upgrade the wastewater treatment lagoons and bring the pump stations into compliance with the standards in OAC 252:656. This plan should be in the form of an Engineering Report as described by OAC 252:656-3-4.	January 1, 2003
R. Submit to DEQ approvable Plans and Specifications and an application for a Construction Permit, as specified in OAC 252:656-3-2 and OAC 252:656-3-5 for the upgrade of the wastewater treatment system.	March 1, 2003

TASK	DATE
S. Begin construction to upgrade the wastewater treatment system in accordance with the approved Plans and Specifications.	December 1, 2003
T. Complete construction to upgrade the wastewater treatment system in accordance with the approved Plans and Specifications.	December 1, 2005

56. The Respondent shall initiate provisions for the periodic monitoring of the Standard Operating Procedures required by Task P of this Order so that compliance with this Order is maintained. In the event that the operating procedures are not implemented as specified, such failure to implement the procedures will be considered a violation of this Order and will subject the Respondent to immediate closure of the State Park property.

57. If the construction required in Task S of Paragraph Fifty-five (55) has not begun by the date specified, POTW facilities that do not comply with the construction standards in OAC 252:656 must be removed from service and those areas of the park served by non-compliant facilities must be closed to public use.

TENKILLER LAKE STATE PARK

58. The Respondent shall limit wastewater flows generated by all public use operations within the Tenkiller Lake State Park to the capacity of the wastewater treatment facilities that serve those operations. Any portions of the wastewater treatment systems that are subject to inundation will be presumed to have no capacity for the purpose of this Order.

59. The Respondent shall complete the following tasks at the Tenkiller Lake State Park according to the following schedule:

TASK	DATE
U. Reduce the wastewater load to the capacity of the POTW from the Flying Squirrel Area RV campground. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.	July 1, 2002

TASK	DATE
<p>V. Reduce the wastewater load to the capacity of the POTW from the following operation(s). If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.</p> <ol style="list-style-type: none"> 1. Fox Squirrel Area: RV campground, comfort station, and dump station (see note 3). 2. Swimming Pool. 3. Bluff View Area: tent camping and comfort station. 4. Cedar Ridge Area: tent camping. 	September 4, 2002
<p>W. Fisherman's Point Area. Reduce the wastewater load to the capacity of the POTW from the following operation(s). If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.</p> <ol style="list-style-type: none"> 1. Boat ramp comfort station. 2. Lift station. 3. Upper DX comfort station (unless installation of new lift station #3 is completed by the date specified). 	October 1, 2002
<p>X. Park Office, Nature Center, and Meeting Room. Reduce the wastewater load to the capacity of the POTW from the restrooms. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.</p>	October 1, 2002
<p>Y. Cabins. Close unless installation of new lift station #3 is completed by the deadline. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use or other measures must be implemented immediately to properly manage the wastewater.</p>	October 1, 2002

³ The comfort station south of Tenkiller Drive and west of Fox Squirrel and Flying Squirrel RV Campgrounds may continue to be served provided the wastewater load does not exceed the design capacity of the system.

TASK	DATE
Z. Marina. If the wastewater load cannot be reduced to the capacity of the POTW, the designated areas must be closed to public use.	
1. Modify the waste holding tank at the marina to be watertight.	October 1, 2002
2. During periods of high water elevation, which would preclude pumping out the marina holding tank, a watertight hose or other watertight connection shall be used to pump sewage accumulation to a disposal truck or other non-inundated collection point. In the event that redirection is not possible, the boat pumping station and marina facilities served by the holding tank will be closed until the water recedes.	As Necessary
AA. North Park Area.	
1. Shady Grove, Hickory Flats, and Blue Jay Nob Areas. Restrict usage of the areas to reduce the wastewater generation to the annual capability of the existing two-cell lagoon system.	July 1, 2002
2. Shady Grove, Hickory Flats Areas. Close campgrounds and comfort stations during periods of high water.	As Necessary
BB. Submit to DEQ for approval a standard Operating Procedure that includes operations for the following: closing, disinfecting, and reopening facilities and areas impacted by inundation; and regularly determining the operational status of all pumping stations until they are brought into compliance with the standards in OAC 252:656.	October 1, 2002
CC. Submit to DEQ for approval a long-term plan to upgrade the wastewater treatment lagoons and bring the pump stations into compliance with the standards in OAC 252:656. This plan should be in the form of an Engineering Report as described by OAC 252:656-3-4.	January 1, 2003

TASK	DATE
DD. Submit to DEQ approvable Plans and Specifications and an application for a Construction Permit, as specified in OAC 252:656-3-2 and OAC 252:656-3-5 for the upgrade of the wastewater treatment system	March 1, 2003
EE. Begin construction to upgrade the wastewater treatment system in accordance with the approved Plans and Specifications.	December 1, 2003
FF. Complete construction to upgrade the wastewater treatment system in accordance with the approved Plans and Specifications.	December 1, 2004

60. The Respondent shall initiate provisions for the periodic monitoring of the Standard Operating Procedures required by Task BB of this Order so that compliance with the terms of Order is maintained. In the event that the operating procedures are not implemented as specified, such failure to implement the procedures will be considered a violation of this Order and will subject the Respondent to immediate closure of the State Park property.

61. If the construction required in Task EE of Paragraph Fifty-nine (59) has not begun by the date specified, POTW facilities that do not comply with the construction standards in OAC 252:656 must be removed from service and those areas of the park served by non-compliant facilities must be closed to public use.

FOR ALL THREE STATE PARKS

62. All terms and operating procedures included within this Order, are subject to random and unannounced inspection by the DEQ. Any violations found may subject the Respondent to immediate closure of the State Park property.

63. This Order may be modified by the DEQ in the event that the Respondent presents clear and convincing evidence of improvements in the capacity of the wastewater treatment facilities, which are accomplished in accordance with the laws of the State of Oklahoma and with the DEQ Regulations.

64. Respondent shall seek funding for the remediation of all the non-compliant wastewater treatment systems serving facilities that Respondent intends to utilize. If said

funding is not received within one year from the date of this Order, all utilized non-compliant wastewater treatment systems shall be closed until such time as the remedial work is completed.

OPPORTUNITY FOR HEARING AND/OR SETTLEMENT CONFERENCE

65. This Order will become final no later than fifteen (15) days after service unless DEQ receives a written request for a hearing within the above prescribed time period. Such request shall be directed to:


Sandra McClain
Administrative Hearing Clerk
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

Any request for hearing shall include a response stating the paragraphs in the ACO Respondent admits and the paragraphs Respondent denies.

66. The Respondent may also confer with DEQ regarding settlement. A settlement inquiry will not extend the statutory period in which a request for a hearing must be received by DEQ.

67. Judicial review of a final Order may be obtained by filing a petition in district court within thirty (30) days after the Respondent is notified of the final Order.

So ordered this 24th day of Jan, 2002.


MARK S. COLEMAN
EXECUTIVE DIRECTOR